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S.J.R. 2
135th General Assembly

Resolution Analysis

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Version: As Reported by House Constitutional Resolutions

Primary Sponsors: Sens. McColley and Gavarone

S. Ben Fogle, Attorney

SUMMARY

- Proposes an amendment to the Ohio Constitution, to appear on the ballot at a special election on August 8, 2023.
- Requires any future constitutional amendment to be approved by at least 60% of the voters.
- Beginning with petitions filed with the Secretary of State on or after January 1, 2024:
 - Eliminates the ten-day cure period to gather additional signatures for an initiative petition proposing a constitutional amendment.
 - Requires an initiative petition proposing a constitutional amendment to be signed by at least 5% of the electors of each county in the state, instead of half of the counties.

DETAILED ANALYSIS

Approval threshold for constitutional amendments

The resolution proposes an amendment to the Ohio Constitution requiring any future constitutional amendment to be approved by at least 60% of the voters, instead of by a simple majority (50% plus one vote) as currently required under the Constitution. This requirement would apply to any constitutional amendment, whether proposed by initiative petition, by the General Assembly, or by a constitutional convention.¹

¹ Ohio Constitution, Article II, Section 1b and art. XVI, secs. 1 and 3; conforming changes in art. II, secs. 1e and 1g.

Initiative petition procedures

In addition, the resolution proposes two changes to initiative petition procedures, specifically only for initiative petitions proposing amendments to the Constitution. These changes apply to petitions filed with the Secretary of State on or after January 1, 2024.

First, the resolution proposes to eliminate the ten-day cure period to cure insufficient petitions by gathering more signatures. The current Constitution gives petitioners ten days to collect additional signatures if their petition is found to have insufficient signatures. This currently applies to initiative petitions proposing new laws, referendum petitions, and initiative petitions proposing amendments to the Constitution. The proposal removes the cure period for initiative petitions proposing constitutional amendments, but maintains the cure period for other petitions.

Second, the proposal requires an initiative petition that proposes a constitutional amendment to have signatures from at least 5% of the electors in each of Ohio's 88 counties, rather than 44 counties, as is currently required. (The petition still must be signed by 10% of the state's electors overall.) The resolution maintains the current 44-county requirements for initiative petitions proposing new laws and for referendum petitions.²

Date of election and implementation

The resolution places the proposal on the ballot at a special election on August 8, 2023. Because the Revised Code does not provide for special elections to be held in August for this purpose, the General Assembly might need to enact separate legislation to allow for the special election.³

If the proposal is approved by a majority vote of the electors, it takes effect immediately, and the increased approval threshold applies to any constitutional amendment appearing on the ballot at a later election. However, as is noted above, the new requirements for initiative petitions proposing constitutional amendments first apply to petitions filed on or after January 1, 2024.

For more information about the current procedures for amending the Ohio Constitution, see LSC's Members Brief, [Statewide Ballot Issues \(PDF\)](#).⁴

² Ohio Const., art. II, sec. 1g. In each case where the Ohio Constitution requires signatures from a percentage of the electors, that percentage is calculated based on the total vote cast for Governor at the most recent election for that office.

³ R.C. 3501.01(D) and 3501.022. See also Ohio Const., art. II, sec. 15 (specifying that the General Assembly "shall enact no law except by bill") and *State ex rel. Foreman v. Brown*, 10 Ohio St.2d 139, 142 (1967) (suggesting that the legislature might not need to enact separate legislation for this purpose).

⁴ Available on LSC's website, lsc.ohio.gov, under "Publications," "Members Briefs."

HISTORY

| Action | Date |
|---|----------|
| Introduced | 03-22-23 |
| Reported, S. General Gov't | 04-19-23 |
| Adopted Senate (26-7) | 04-19-23 |
| Reported, H. Constitutional Resolutions | 05-02-23 |
